

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

August 18, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Hull, Associate Justice; Butz, Associate Justice; and Horner, bailiff.

C052280 THE PEOPLE v. LY et al.

Cause called. Dennis P. Riordan argued for appellant Lam. William Osterhoudt argued for appellant Dich. Richard A. Levy, court appointed counsel, argued for appellant Ly. Janice Lagerlof, court appointed counsel, argued for appellant Carroll. Kyle Gee, court appointed counsel, argued for appellant Cooc. Jesse Witt, Deputy attorney General, argued for respondent. Cause submitted.

At 10:42 a.m., the court recessed. At 2:02 p.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Davis, Associate Justice.

C056727 DUNCAN v. WORKERS' COMPENSATION APPEALS BOARD and SILVA et al.

Cause called. Michelle Geller, Department of Industrial Relations, argued for petitioner. Esequiel Solorio argued for respondent. Cause submitted.

At 2:31 p.m., the court recessed. At 2:34 p.m., the court reconvened with Blease, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C055656 PRATT v. UNION PACIFIC RAILROAD COMPANY

Cause called. Joseph P. Mascovich argued for appellant. Larry Lockshin argued for respondent. Cause submitted.

At 3:04 p.m., the court recessed. At 3:08 p.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

C055305 GATES et al. v. ARREDONDO et al.; CHANDLER et al. v. GATES et al.;

Cause called. Gary Gates argued for and Janice Gates appeared only for appellants. Priscilla Fay Slocum argued for cross-complainants and respondents. Douglas R. Roeca argued for respondents. Cause submitted.

At 3:20 p.m., the court recessed until 9:30 a.m., Tuesday, August 19, 2008.

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Court Minutes

August 18, 2008 continued

- C055421 THE PEOPLE v. SANDERS (Not For Publication)**
The judgment is affirmed. The trial court shall prepare an amended abstract of judgment with No. 4 checked to reflect defendant's sentence was doubled pursuant to Penal Code section 667, subdivision (e) (1) and forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
BUTZ, J.
We Concur: Raye, Acting P.J.
Cantil-Sakuye, J.
- C055432 THE PEOPLE v. HALL (Not For Publication)**
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Robie, J.
- C055817 THE PEOPLE v. USHER (Not For Publication)**
The judgment is affirmed.
BLEASE, J.
We Concur: Scotland, P.J.
Robie, J.
- C056242 THE PEOPLE v. LEAHY (Not For Publication)**
The matter is reversed and remanded to the trial court with directions to strike the \$25 work program fee and to prepare a new order of probation which itemizes the various charges and assessments comprising the "\$720 fine," as described in the opinion. In all other respects, the judgment is affirmed.
SIMS, Acting P.J.
We Concur: Raye, J.
Robie, J.
- C056276 THE PEOPLE v. AULSTON (Not For Publication)**
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Robie, J.

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Court Minutes

August 18, 2008 continued

C056280 THE PEOPLE v. STOKES (Not For Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

C055100 THE PEOPLE v. NELMS (Certified For Publication)

THE COURT:

The opinion in the above-entitled matter on August 14, 2008, was certified for publication with the exception of Parts II through VI of the Discussion.

For good cause it now appears that Parts I and II of the Discussion should be published in the Official Reports and it is so ordered.

BY THE COURT:

BLEASE, Acting P.J.

Davis, J.

Hull, J.

August 19, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Hull, Associate Justice; Robie, Associate Justice; and Haskett, bailiff.

C056080 ELLIOTT v. GILBERT RETAIL HOLDINGS

Cause called. Dennis Benjamin Hill argued for appellant. Patricia Kramer argued for respondent. Cause submitted.

At 9:56 a.m., the court recessed. At 9:57 a.m., the court reconvened with Hull, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C056319 IEREMIA v. HILMAR UNIFIED SCHOOL DISTRICT et al.

Cause called. Jeffrey R. Olson argued for appellant. Lawrance A. Bohm argued for and Gregory R. Davenport appeared only for respondent. Cause submitted.

At 10:21 a.m., the court recessed until 9:30 a.m., Wednesday, August 20, 2008.

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Court Minutes

August 19, 2008 continued

- C052445 THE PEOPLE v. DAVIS (Not For Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
 Nicholson, J.
- C056249 THE PEOPLE v. WYATT (Certified For Partial Publication)**
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
 Robie, J.
- C056418 THE PEOPLE v. LOGAN (Not For Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Hull, J.
 Butz, J.
- C054979 THE PEOPLE v. WRIGHT (Not For Publication)**
The judgment is affirmed.
CANTIL-SAKUYE, J.
I concur: Hull, Acting P.J.
I respectfully dissent...
 Robie, J.
- C056669 THE PEOPLE v. TERRY (Not For Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Morrison, Acting P.J.
 Cantil-Sakauye, J.
- C054832 THE ZUMBRUN LAW FIRM v. (Certified For Publication)**
CALIFORNIA LEGISLATURE et al.
The judgment is affirmed. Each party shall bear their own costs on
appeal. ...
BLEASE, Acting P.J.
We Concur: Davis, J.
 Cantil-Sakauye, J.

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Court Minutes

August 19, 2008 continued

**C055449 PELTON-SHEPHERD INDUSTRIES, (Certified For Partial Publication)
INC. v. DELTA PACKAGING
PRODUCTS, INC.**

The judgment is reversed, and the case is remanded to the trial court with instructions to: (1) vacate its January 10, 2007, order striking Delta's answer and dismissing Delta's cross-complaint; and (2) vacate that portion of its June 23, 2006, order imposing \$2,500 in monetary sanctions on Delta. Delta shall recover its costs on appeal. ...

ROBIE, J.

We Concur: Morrison, Acting P.J.
Cantil-Sakauye, J.

**C057391 In re JESSE N.; SACRAMENTO (Not For Publication)
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. LINDA N.;
JESSE N.**

The juvenile court's orders are affirmed.

BUTZ, J.

We Concur: Blease, Acting P.J.
Nicholson, J.

August 20, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Davis, Associate Justice; Morrison, Associate Justice; Cantil-Sakauye, Associate Justice; and Harper, bailiff.

C056745 TYLER-GRIFFIS v. STATE BOARD OF EQUALIZATION

Cause called. William E. Taggart, J.R. argued for appellant. Jeffrey A. Rich, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:04 a.m., the court recessed. At 10:05 a.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

C053963 THE PEOPLE v. GULLEY et al.

Cause called. Paul Carroll, court appointed counsel, argued for appellants. Janice M. Lagerlof, court appointed counsel, argued for appellants. Heather Gimle, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:42 a.m., the court recessed. At 10:52 a.m., the court reconvened.

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August 20, 2008 continued

C056621 UNITED CAPITAL INVESTMENTS, INC., et al. v. AXTON et al.

Cause called. No appearance was made for appellants. William S. Gregory argued for respondents. Cause submitted.

At 10:52 a.m., the court recessed. At 10:53 a.m., the court reconvened with Morrison, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C054959 IMRIE v. GMAC et al.

Cause called. Gary E. Moss argued for appellant. Julian B. Bellenghi argued for respondents. Cause submitted.

At 11:19 p.m., the court recessed until 9:30 a.m., Thursday, August 21, 2008.

C056999 THE PEOPLE v. MAYER (Not For Publication)

The judgments (case Nos. 07F3377 & 06F4724) are affirmed.

BUTZ, J.

We Concur: Scotland, P.J.

Blease, J.

**C056473 PRICE v. EDWARD ALLEN BOX et al., (Not For Publication)
as Trustees, etc.**

The judgment is affirmed. Respondents Edward and Clifford Box shall recover their costs of this appeal. ...

BUTZ, J.

We Concur: Blease, Acting P.J.

Raye, J.

**C056943 in re LISA T. et al.; SACRAMENTO (Not For Publication)
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. LISA T.**

The juvenile court's orders are affirmed.

ROBIE, J.

We Concur: Davis, Acting P.J.

Nicholson, J.

**C056840 HUGHES v. CALIFORNIA STATE EMPLOYEES ASSOCIATION et al.
BY THE COURT:**

Appellant's petition for rehearing is denied.

BLEASE, Acting P.J.

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Butz, J.

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August 21, 2008, Continued

- C054723 THE PEOPLE v. LEVETON (Not For Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We Concur: Raye, J.
 Cantil-Sakauye, J.
- C056034 THE PEOPLE v. MEDEIROS, JR. (Not For Publication)**
The judgment is affirmed.
 BLEASE, Acting P.J.
We Concur: Robie, J.
 Butz, J.
- C057742 THE PEOPLE v. DORE (Not For Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We Concur: Blease, J.
 Butz, J.

August 22, 2008

- C047579 THE PEOPLE v. PANG (Not For Publication)**
The one-year enhancement for use of a deadly weapon ... is stricken. As modified, the judgment is affirmed. The clerk of the Superior Court is directed to prepare an amended abstract of judgment reflecting this change and send a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.
 NICHOLSON, J.
I concur: Cantil-Sakauye, J.
I concur but write separately regarding part V...
 Scotland, P.J.
- C053474 THE PEOPLE v. SALMON et al. (Not For Publication)**
As to defendant Salmon, the parole revocation restitution fine ... is stricken. As modified, the judgment is affirmed. ...
As to defendant Leite, the parole revocation restitution fine ... is stricken. As modified, the judgment is affirmed. ...
 NICHOLSON, J.
We Concur: Scotland, P.J.
 Raye, J.

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August 22, 2008, Continued

- C053474 THE PEOPLE v. SALMON et al. (Not For Publication)**
As to defendant Salmon, the parole revocation restitution fine ... is stricken. As modified, the judgment is affirmed. ...
As to defendant Leite, the parole revocation restitution fine ... is stricken. As modified, the judgment is affirmed. ...
NICHOLSON, J.
We Concur: Scotland, P.J.
Raye, J.
- C055579 THE PEOPLE v. ZUPAN (Not For Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Scotland, P.J.
Raye, J.
- C056110 THE PEOPLE v. JONES (Not For Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Raye, Acting P.J.
Hull, J.
- C052483 YEAGER et al. v. D'ANGELO et al. (Not For Publication)**
The judgment is modified to reduce Yeager's recovery from Susan from \$850,599 to \$359,561 for her profit on the PV Property transaction, plus prejudgment interest on that amount.. The award of \$64,419.68 for other damages remains unchanged. In all other respects, the judgment is affirmed. The parties shall bear their own costs on appeal. ...
BUTZ, J.
We Concur: Raye, Acting P.J.
Hull, J.
- C056662 In re A.E.; BUTTE COUNTY (Not For Publication)**
**DEPARTMENT OF EMPLOYMENT
AND SOCIAL SERVICES v.
JENNIFER S.**
The orders of the juvenile court are affirmed.
ROBIE, J.
We Concur: Davis, Acting P.J.
Nicholson, J.

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August 22, 2008, Continued

C057434 JONES v. COUNTY OF EL DORADO (Not For Publication)
et al.

The order of dismissal is reversed. Jones shall recover his costs on appeal. ...

ROBIE, J.

We Concur: Raye, Acting P.J.
Cantil-Sakauye, J.

C055215 In re RICKY S.; THE PEOPLE v. (Certified For Publication)
RICKY S.

BY THE COURT:

The opinion in the above entitled matter filed August 6, 2008, was not certified for publication in the advance sheets and official reports.

For good cause, it now appears that the opinion should be published and accordingly, it is ordered that the opinion be published in the advance sheets and official reports.

FOR THE COURT:

BLEASE, Acting P.J.
Morrison, J.
Cantil-Sakauye, J.

C058039 MORGAN v. MORGAN

BY THE COURT:

Appellant's "Application of Motion and Motion to Reinstate the Case Memorandum and Points and Authorities" is treated as a petition for rehearing and, as such, is denied.

BLEASE, Acting P.J.